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PTO/SB/21 (09-04)  
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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/827,454
Filing Date	April 19, 2004
First Named Inventor	Redano
Art Unit	3736
Examiner Name	
Attorney Docket Number	REDA-110

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): post card
<div>Remarks</div>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	N/A		
Signature	<i>Richard T Redano</i>		
Printed name	Richard T. Redano		
Date	December 22, 2004	Reg. No.	N/A

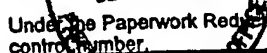
## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Richard T Redano</i>		
Typed or printed name	Richard T. Redano	Date	12-22-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO

*(use as many sheets as necessary)*

Sheet	1	of	3
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**Complete if Known**

Application Number	107827,454
Filing Date	04/18/04
First Named Inventor	REDANO
Art Unit	3728
Examiner Name	
Attorney Docket Number	REDA-110

Examiner Initials	Cite No. 1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-5062430	11-05-91	BONNEFOLLS	
		US-5462059	10-31-95	FERRARA	
		US-4757820	07-19-88	ITO H	
		US-4612937	09-23-86	MILLER	
		US-5000185	03-19-91	YOCK	
		US-4484569	11-27-84	DRILLER	
		US-4334543	06-15-82	FEHR	
		US-5630837	05-20-97	CROWLEY	
		US-5692520	12-2-97	LAVOISIER	
		US-5578060	11-26-96	ROHL	
		US-5893363	04-13-99	LITTLE	
		US-5722412	03-03-98	PFLUGRATH	
		US-5295485	03-22-94	SHINOMURA	
		US-5851186	12-22-98	WOOD	
		US-5817024	10-06-98	OGLE	
		US-6,251,076	06-26-01	HOVLAND	
		US-5,897,498	04-27-99	CANFIELD	
		US-5,718,229	02-17-98	PESQUE	
		US-5,795,297	08-18-98	DAIGLE	
		US-5,690,114	11-25-97	CHIANG	

[illegible]

**Examiner  
Signature**

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

7 This will vary depending upon the needs of the individual case.

English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case.

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control number.					
Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	101827454
				Filing Date	04/19/04
				First Named Inventor	REDANO
				Art Unit	3736
				Examiner Name	
				Attorney Docket Number	REDA-110
Sheet	2	of	3		

[illegible][illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	101 827 454
		Filing Date	04/19/04
		First Named Inventor	REDANO
		Group Art Unit	3736
		Examiner Name	
Sheet 3 of 3	Attorney Docket Number	REDA-110	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		Mettler Electronics Brochure entitled "Sys * Stim 220" dated May 1992	
		Diasonics Brochure entitled "Synergy" dated January 1996	
		Physio Technology Inc. Brochure entitled "OmniSound" dated 1986	
		Diasonics Brochure entitled "Compact System" dated April 1996	
		Advanced Medical brochure entitled, "micros Q.V." dated 09/96	
		J. D. Rainey, "Order" U.S. Dist. Ct., S.D. Tx., Civil Action No. H-01-2484, 8/21/03	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Redano	§	
		§	Group Art Unit: 3736
Serial No.:	10/827,454	§	
		§	Examiner: N/A
Filed:	April 19, 2004	§	
		§	Docket: REDA-110
Title:	Apparatus For Measuring	§	
	Hemodynamic Parameters	§	

Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

This Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits. 37 C.F.R. § 1.97(b)(3). By listing and/or submitting the references, Applicant is not representing that they constitute prior art under 35 USC §§ 102, 103 or that they are material to the patentability of the claimed inventions.

**Identification Of Applications From Which This Application Claims Priority**

This application is a continuation of application serial no. 10/134,356, filed April 27, 2002 and issued as U.S. Patent No. 6,814,702 ("the '702 Patent"), which is a continuation of application serial no. 09/732,274, filed December 7, 2000 and issued as U.S. Patent No. 6,428,478 ("the '478 Patent"), which is a divisional of application serial no. 09/315,867, filed May 20, 1999 and issued as U.S. Patent No. 6,221,021 ("the '021 Patent"), which is a continuation-in-part of application serial no. 08/926,209, filed September 9, 1997 and issued as U.S. Patent No. 5,947,901 ("the '901 Patent").

The present application relies upon the above identified patent applications for an earlier effective filing date under 35 U.S.C. § 120. During the prosecution of the application identified above, which resulted in the issuance of the '702 Patent, Applicant submitted information disclosure statements that complied with 37 C.F.R. § 1.98(a)-(c). Accordingly, pursuant to 37 C.F.R. § 1.98(d), Applicant is not resubmitting copies of the U.S. patents and other publications which were submitted with the information disclosure statements during the prosecution of the '702 Patent.

### The Jones Patent

On page 2 of the attached PTO Form SB/08A, U.S. Patent No. 5,640,960 to Jones is listed. The Jones Patent was not listed as a reference on any information disclosure statement filed during the prosecution of the '702 Patent. Accordingly, a copy of the Jones Patent is submitted herewith. The Jones Patent discloses a doppler ultrasound medical diagnostic device comprising a "cordless probe" (see Abstract; 5<sup>th</sup> line; element 54 in Figs. 2-5; Col. 6, lines 12-19). The cordless probe of Jones provides "wireless transmission of signals" (Col. 1, lines 10-14).

The Jones Patent does not disclose a transducer mounting assembly that is moveably connected to the portable body such that the distance between the mounting assembly and the body can be adjusted by a user using only one hand. This is a limitation of every claim in the above captioned pending patent application.<sup>1</sup> Accordingly, Jones does not anticipate any pending claims. Additionally, Jones teaches away from this limitation by teaching the use of a cordless probe to facilitate wireless transmission. There is no motivation to modify Jones to moveably connect its probe to its body, as claimed in the above identified limitation, when one wishes to have a cordless probe capable of wireless transmission.<sup>2</sup> Thus, Jones does not render the claimed invention obvious, either singularly or in combination with other references.<sup>3</sup>

### The Chiang '658 Patent

Another U.S. patent listed on page 2 of the attached PTO Form SB/08A that was not listed as a reference on any information disclosure statement filed during the prosecution of the '702 Patent is U.S. Patent No. 5,590,658 to Chiang (the Chiang '658 Patent"). A copy of the Chiang '658 Patent is enclosed. The Chiang '658 Patent issued from application serial no. 08/494,804 ("the '804 Application"). U.S. Patent No. 5,690,114 to Chiang ("the Chiang '114

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<sup>1</sup> On December 21, 2004, Applicant mailed a First Preliminary Amendment to the Patent Office for the above referenced patent application. This amendment comprises amendments to originally filed claims and new claims.

<sup>2</sup> The modification of a reference unwarranted by its disclosure is improper. *Carl Schenck, A.G. v. Norton Corp.*, 713 F.2d 782, 787 (Fed. Cir. 1983).

<sup>3</sup> It is "error to find obviousness where references diverge from and teach away from the invention at hand." *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988).

Patent”) is a cited reference on the ‘702 and ‘021 Patents and issued from a continuation in part application of the ‘804 Application. Thus, Applicant believes that the Chiang ‘658 Patent is cumulative to the Chiang ‘114 Patent, which the Examiner has already considered.

The Advanced Medical Brochure

A non-patent publication listed on page 3 of the attached PTO Form SB/08A that was not listed as a reference on any information disclosure statement filed during the prosecution of the ‘702 Patent is the Advanced Medical brochure entitled “micros Q.V.” A copy of the Advanced Medical brochure is enclosed.

This brochure does not disclose (1) a doppler ultrasound unit, or (2) an ultrasonography means for monitoring and measuring at least one hemodynamic parameter. All pending claims of the above captioned application comprise one of these two limitations. The device disclosed in this brochure is not capable of monitoring, measuring, or displaying one or more hemodynamic parameters. Accordingly the Advanced Medical brochure does not anticipate any pending claims.

The applications for which the device disclosed in the Advanced Medical brochure is expressly intended are listed on the second page of the Advanced Medical brochure under the heading “APPLICATIONS.” None of these listed applications require (a) the monitoring, measurement or display of a hemodynamic parameter, (b) the use of a doppler ultrasound unit or, (c) the use of an ultrasonography means for monitoring and measuring at least one hemodynamic parameter. Thus, modification of this reference to add the missing claim limitations is unsupported by its disclosure and therefore improper. *Carl Schenck*, 713 F.2d at 787. Accordingly, the Advanced Medical brochure does not render any of the pending claims obvious.

Declarations Submitted In Related Patent Litigation

Additionally, attached as Exhibit A are four declarations which have been filed in the U.S. District Court for the S. D. of Texas in Civil Action No. 01-2484. All of these declarations were submitted during the prosecution of the '702 Patent. These declarations contain statements by persons other than Applicant, that the Examiner may find material to the patentability of the inventions claimed in the above referenced application. By submitting these declarations, Applicant makes no representation or endorsement regarding the truth, accuracy, or authenticity of any statements in, or exhibits attached to, any of these declarations.

Respectfully submitted,

12-22-04

Date

Richard T. Redano

Richard T. Redano

Applicant

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Bellarie, Texas 77401

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Telecopy: 713.402-3901

**CERTIFICATE OF MAILING 37 CFR 1.8(a)**

I hereby certify that this correspondence along with any referred to as attached or enclosed is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 22, 2004.

Richard T. Redano

Richard T. Redano